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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

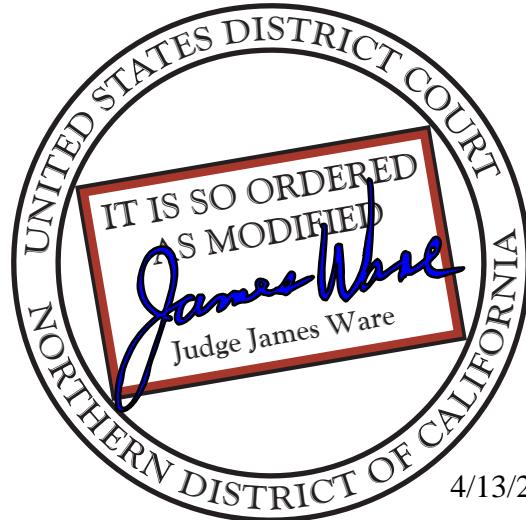
14 VIVIAN FIORI ARIZA and ROGGIE
15 TRUJILLO, on behalf of themselves and all
others similarly situated.

Plaintiffs,

VS.

18 DELL INC., a corporation; BANCTEC, INC.,
19 a corporation; WORLDWIDE
20 TECHSERVICES, LLC, an entity; DELL
21 CATALOG SALES, L.P., an entity; DELL
22 PRODUCTS, L.P., an entity; DELL
MARKETING L.P., an entity; DELL
MARKETING L.P., LLC, an entity; DELL
MARKETING G.P., LLC, an entity; DELL
USA, L.P., an entity; and DOES 1 Through
23 10,

Defendants.



4/13/2010

Case No. C09 01518 JW

**STIPULATION TO STAY CASE;
[PROPOSED] ORDER**

CLASS ACTION

Assigned to the Honorable James Ware,
Courtroom 8

Action filed on April 7, 2009

1 WHEREAS, the parties have recently agreed to participate in mediation in order to
2 discuss the possibility of settlement;

3 WHEREAS, the parties anticipate that it will take some time to agree on a mediator and
4 make necessary arrangements and preparations for mediation;

5 WHEREAS, Plaintiffs have filed a motion for class certification, which is currently set
6 for hearing on June 21, 2010;

7 WHEREAS, under the current schedule, Defendants' oppositions to Plaintiffs' motion for
8 class certification are due by May 28, 2010, and Plaintiffs' replies are due by June 7, 2010;

9 WHEREAS, this Court has also set a hearing on Defendants' anticipated motions for
10 summary judgment on the same day, June 21, 2010;

11 WHEREAS, under the current schedule, Defendants' motions for summary judgment are
12 due by May 17, 2010; Plaintiffs' oppositions are due by May 28, 2010; and Defendants' replies
13 are due by June 7, 2010;

14 WHEREAS, the parties are diligently litigating this case, including conducting substantial
15 discovery, in anticipation of briefing and hearing of these two motions; and

16 WHEREAS, in order to conserve the resources of the Court and the parties while the
17 parties discuss the possibility of settlement, the parties request that the June 21, 2010 hearing
18 date on Plaintiffs' motion for class certification and Defendants' anticipated motions for
19 summary judgment be vacated (to be rescheduled at a later date, if necessary) and that this case
20 be stayed for a period of 60 days, at which time the parties will update the Court on the status of
21 settlement discussions and request a further stay, if appropriate.

22 THEREFORE, the parties hereby stipulate, subject to Court approval, that the June 21,
23 2010 hearing date on Plaintiffs' motion for class certification and Defendants' anticipated
24 motions for summary judgment be vacated (to be rescheduled at a later date, if necessary) and

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1 that this case be stayed for a period of 60 days, at which time the parties will update the Court on
2 the status of settlement discussions and request a further stay, if appropriate.

3 DATED: April ___, 2010

Respectfully Submitted,
STRANGE & CARPENTER

7 DATED: April ___, 2010

By: _____ /s/
Brian R. Strange
Gretchen Carpenter
Attorneys for Plaintiffs

11 DATED: April ___, 2010

REEVES & BRIGHTWELL, LLP

12 DATED: April ___, 2010

By: _____ /s/
Paul Schlaud
Attorneys for Dell Defendants

IT IS SO ORDERED AS MODIFIED:

17 The hearing on the current class certification motions are vacated and terminated from the docket
18 (Docket Item Nos. 102, 103, 113, 114). Plaintiffs may renotice its motions after the 60 day stay
for any available fall date on the Court's calendar.

19 Dated: April 13, 2010

20 
United States District Judge

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By: _____ /s/
Gretchen Carpenter

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is:

12100 Wilshire Boulevard, Suite 1900
Los Angeles, California 90025

On April 12, 2010, I served the forgoing document, described as:

STIPULATION TO STAY CASE; [PROPOSED] ORDER

on the interested parties in this action: [X] ECF or [] by placing
[] the original [] a true copy thereof to in an envelope addressed only as follows:

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8 **[X] VIA ECF**

9 **[] VIA U.S. FIRST CLASS MAIL**

10 **[]** I deposited such an envelope in the mail at Los Angeles, California. The envelope was
11 mailed with postage thereon fully prepaid.

12 **[X]** As follows: I am ?readily familiar? with the firm's practice of collection and processing
13 correspondence for mailing. Under that practice it would be deposited with U.S. postal service
14 on that same day with postage thereon fully prepaid at Los Angeles, California. I am aware that
15 on motion of party served, service is presumed invalid if postal cancellation date or postage
16 meter date is more than one day after date of deposit for mailing in affidavit.

17 **[] BY PERSONAL SERVICE**

18 I delivered such envelope by hand to the addressee.
19 Executed on April 12, 2010, at Los Angeles, California.

20 **[X] (Federal)** I declare that I am employed in the office of a member of the bar of this
21 court at whose direction the service was made.



22 Carlo Agullar

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